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Attorneys for Defendants

DICK/MORGANTI, DICK CORPORATION,

and THE MORGANTI GROUP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA for the Use and  
Benefit of WEBCOR CONSTRUCTION, INC. dba  
WEBCOR BUILDERS, and WEBCOR  
CONSTRUCTION, INC. dba WEBCOR  
BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture, DICK  
CORPORATION, THE MORGANTI GROUP,  
AMERICAN CASUALTY COMPANY OF  
READING, PA, NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, PA,  
and DOES 1 through 10, inclusive,

Defendants.

AND RELATED COUNTER-CLAIMS AND  
THIRD PARTY CLAIMS.

Case No.: 3:07-CV-02564-CRB

**STIPULATION AND ~~PROPOSED~~  
ORDER FURTHER EXTENDING  
TIME TO FILE ANSWER**

Before: Hon. Charles R. Breyer

Pursuant to Local Civil Rule 6-2, Defendants, Counter-Claimants, and Third Party  
Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP  
(together, “D/M”) and Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS  
 (“Webcor”) hereby stipulate and agree that the deadline for D/M to file an answer to Webcor’s  
 complaint, as well as the time for D/M to file a counterclaim, if any, be further extended to  
 **March 20, 2009**, the date of the next status conference. The parties and their representatives

1 continue to meet and discuss various issues, including how Webcor's claims will be addressed at  
2 the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid  
3 spending time on litigation activities and filings in the case, and therefore stipulate to this further  
4 extension of time.

5 The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a  
6 counterclaim has been extended three times before. Additionally, there have been other time  
7 extensions in this case, including time extensions in connection with case management  
8 conferences.

9 A declaration in support of this stipulated request is attached.

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11 Dated: January 29, 2009

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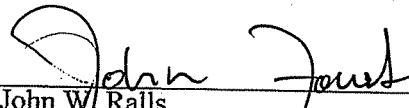
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John Foust

Attorneys for Defendants, Counter-Claimants  
and Third Party Complainants

DICK/MORGANTI, DICK CORPORATION,  
and THE MORGANTI GROUP

Dated: January 29, 2009

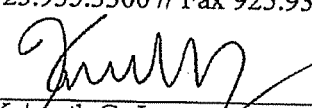
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Kenneth G. Jones

Attorneys for Plaintiff

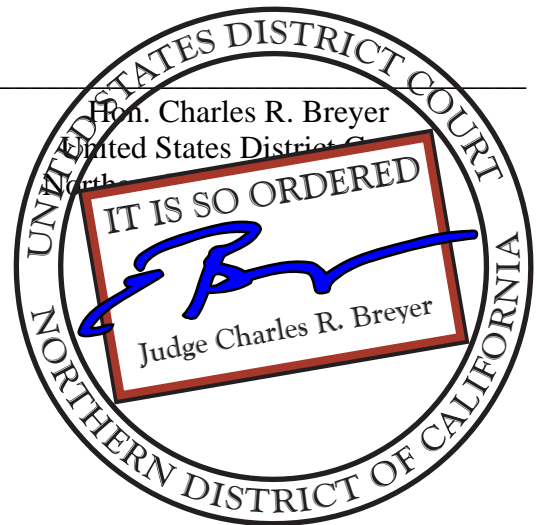
WEBCOR CONSTRUCTION, INC. dba  
WEBCOR BUILDERS

**ORDER**

The deadline for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, “D/M”) to file an answer to the complaint of Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS (“Webcor”), as well as the time for D/M to file a counterclaim, if any, is further extended to March 20, 2009.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 03, 2009



**DECLARATION OF JOHN W. RALLS**

I, John W. Ralls, declare:

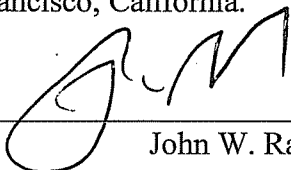
1. I am a partner with Howrey LLP and counsel of record for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, "D/M").

2 Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS ("Webcor"), on the one hand, and D/M, on the other, have agreed to continue to discuss various issues, including how Webcor's claims will be addressed at the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid spending time on litigation activities and filings in this case. Therefore, the parties have stipulated and agreed to extend the deadline for D/M to file an answer to Webcor's complaint, as well as the time for D/M to file a counterclaim, if any, to March 20, 2009.

3. The parties have previously stipulated, and the Court has previously allowed, two extensions for the response to the complaint and counterclaim. Additionally, there have been other time extensions in this case, including time extensions in connection with case management conferences.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on January 28, 2009, in San Francisco, California.

  
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John W. Ralls